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TAGS: [MOPS](#) [MARR](#) [PHUM](#) [KDEM](#) [KCRM](#) [PGOV](#) [GT](#)
SUBJECT: DECLASSIFICATION OF FOUR MILITARY PLANS RULED
CONSTITUTIONAL

REF: A. 07 GUATEMALA 1530
[B.](#) GUATEMALA 256

[¶](#)1. (U) Summary: On March 5, the Constitutional Court unanimously rejected the appeal of former General Efrain Rios Montt and affirmed the decision of an appeals court to declassify four military plans executed during the early 1980s at the height of the country's 36-year internal conflict. The court rejected the arguments of Montt and the Ministry of Defense that the documents should continue to be protected as "matters of national security." While this was a symbolic victory for human rights groups, it is not clear whether any documents relating to these 1982-83 military plans still exist. End Summary.

[¶](#)2. (U) The Constitutional Court's ruling affirmed the July 2007 ruling (ref A) of the First Criminal Court of Appeals, which ordered the declassification of four military plans -- Sofia 82, Victoria 82, Firmeza 83, and Operacion Ixil. With the declassification of these four plans, human rights organizations hope to advance investigations of human rights abuses allegedly committed by the military during the government of Rios Montt, who served as chief of state from March 1982 to August 1983.

[¶](#)3. (SBU) In a meeting with poloff March 13, Human Rights Legal Action Center (CALDH) Executive Director Mario Minera hailed the decision as a victory for the human rights community, especially for the organizations that initiated the legal case in Guatemala in 2001 against Rios Montt and others for human rights violations allegedly committed during the internal conflict. Minera believed the ruling would contribute to efforts to combat impunity and to promote justice and reconciliation. He feared, however, that the plans may have been compromised and that the Public Ministry would be slow to take action. He said that CALDH has taken the case as far as it could, and that it was now up to the Public Ministry to implement the court's decision and to summon Rios Montt for questioning.

[¶](#)4. (SBU) Guatemalan military contacts told Embassy officers that the military would comply fully with the court's ruling, but warned that the plans did not specify military practices utilized during the armed conflict, but rather provided a broad operational framework. According to Colonel Edgar Mazariegos, Chief of the Human Rights Department of the Guatemalan Army, the general operational plans ordered the military to go to certain areas "to control the insurgency," but did not specify individuals or prescribe specific actions, tactics, or procedures in those areas. He noted, however, that other military records that Colom ordered declassified (ref B) could help identify the units that were in certain areas during attacks on civilians, which could help identify the individuals involved in the alleged human

rights violations.

¶ 15. (SBU) Comment: After seven years of stalled litigation and a December 2007 Constitutional Court ruling denying extradition, on jurisdictional grounds, of Rios Montt and his co-defendants for prosecution in Spain, this court ruling opens the way for use of previously classified military documents as evidence in Guatemalan court cases, as well as the possible declassification of other pre-1985 military documents. The Constitution, which provides for public availability of government documents except those concerning military or diplomatic "matters of national security," was established in 1985 and generally does not apply retroactively. Rios Montt has argued that he should not be held accountable for human rights violations that occurred during military incursions while he was head of state since he did not design or order the plans. While the court decision was a symbolic victory for human rights and freedom of information advocates, it is not clear that there are any existing military documents relating to these 1982-83 operational plans to be declassified and turned over to the courts.

Derham